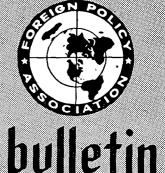
FOREIGN POLICY bulletin



AN ANALYSIS OF CURRENT INTERNATIONAL EVENTS

VOLUME 36 NUMBER 18

Jordan and the Eisenhower Doctrine

by John B. Christopher

Was the recent crisis in Jordan a major test of the Eisenhower Doctrine for the Middle East? At first glance the answer would seem to be an emphatic "Yes." By the end of April, after weeks of uncertainty, the young king of Jordan, Hussein, had asserted his authority and driven from office both political and military leaders warmly sympathetic to Egypt and Syria and to the Nasser policy of flirtation with the Communist bloc.

Moreover, at the climax of the Jordan crisis, the United States Sixth Fleet was ordered to the eastern Mediterranean, presumably to counter the possible open intervention of Syria or Egypt against Hussein. The United States also extended a grant of \$10 million-in economic aid to the government of the victorious Hussein. It looked as though both the military and the economic provisions of the Eisenhower Doctrine had been invoked.

A longer look at the Jordan crisis, however, shows that it was at most an equivocal test of the Eisenhower Doctrine. Washington did indeed seem to benefit by its much-criticized courtship of King Saud during his American visit earlier this year. Saudi Arabia broke with Egypt and Syria to the extent of supporting

Hussein. Yet the victory of Hussein seems to have resulted in large part from forces beyond American control: the unexpected firmness and resourcefulness of Hussein himself, usually considered a mere playboy; and, above all, the loyalty to the Hashemite monarchy of Jordan demonstrated by the Arab Legion, the country's chief military force.

Moreover, the Eisenhower Doctrine was never formally invoked in the Jordan crisis. Significantly, the \$10 million grant was made from general United States funds for foreign aid, not from the special fund set aside for use under the Eisenhower Doctrine. Ambassador James P. Richards, whom the President appointed to explain the doctrine to the Middle Eastern states, did not visit the Jordan capital of Amman during his springtime tour of the

King Hussein suggested that the presence of Richards would have been "inopportune," and intimated that it might have led to the kind of consequences that followed the ill-starred attempt by Field Marshal Sir Gerald Templer to secure Jordan's adherence to the Baghdad pact in December 1955. The visit of the British chief of the Imperial General Staff resulted

JUNE 1, 1957

in riots by Palestinian Arabs, the dismissal of British General Sir John Glubb from command of the Arab Legion, the liquidation of Britain's traditional influence in Jordan, and a victory for the pro-Egyptian, pro-Syrian and anti-Hashemite factions. The visit of Mr. Richards, Hussein evidently feared, might well have resulted in more Palestinian rioting, another victory for the pro-Egyptian and pro-Syrian elements, and perhaps the liquidation of the Hashemite monarchy itself and the annexation of Jordan by Syria.

'Sick Man of Arab World!...

Rioting and crisis seem to be endemic in Jordan, which is indeed the "sick man" of the Arab world. The original emirate of Transjordan, established at the close of World War I in the barrens and deserts to the east of Palestine and the Jordan River, was an artificial creation and survived only because it was protected and subsidized by Britain. By the close of World War II the able and ambitious Emir Abdullah, grandfather of Hussein, loosened but did not sever his ties with Britain, and proclaimed his state the Hashemite Kingdom of Jordan.

The Palestinian war of 1948 between the Arab states and Israel endowed Jordan with new territories, new significance—and new problems. The young kingdom annexed the west bank of the Jordan River—that is, the area of historic Palestine not incorporated into the new state of Israel, including the Old City of Jerusalem. The population was tre-

bled by the acquisition of Arab residents of the west bank together with half a million Arab refugees from the area now constituting Israel.

These acquisitions have imposed a severe economic burden on an underdeveloped, impoverished state with no known oil reserves and with few natural resources of any sort. Unemployment is chronic and widespread. The Palestinian refugees, for the most part destitute and jobless, are supported by the United Nations Relief and Works Administration. The Jordanian budget has been balanced only because half of the government's revenues comes from foreign subsidies. Until the beginning of 1957 Britain supplied the subsidies; then Saudi A-rabia, Egypt and Syria promised to take over, although only the Saudis appear to have honored their promise. While, presumably, the United States would be ready to subsidize Jordan within or, probably, outside the Eisenhower Doctrine, Hussein has turned to King Saud and King Faisal of Iraq for funds.

West Bank vs. East Bank

Politically, the enlargement of Jordan has magnified its role as the Arab "sick man." The Palestinians and the original Transjordanians are both Arab peoples, but they have little else in common. The people of the west bank are better educated, more advanced economically and, above all, far more politically minded than the people of the east bank, many of whom are still making the painful transition from a partially nomadic existence to a settled life. It is the

Palestinians of the west bank who hate Israel, who worship Nasser, who support the pro-Egyptian and pro-Syrian politicians, who are susceptible to Communist pressures and who conspire against Hussein and the Hashemite loyalties of the east bank inhabitants and of the Arab Legion.

The "sickness" of Jordan, then, is chronic, and it may be doubted that the crisis of April 1957 will prove to be the last crisis in the history of that tormented little kingdom. It may be doubted, too, that the Eisenhower Doctrine, even if it were to be openly accepted by Hussein's regime, could of itself solve Jordanian problems.

President Eisenhower himself, speaking to Congress on January 5, 1957, said that his doctrine could deal only with military and economic matters and that it did not claim to touch such essential problems as Arab-Israeli tensions and the fate of the Palestinian refugees. And yet the core of Jordan's instability lies precisely in those points that the Eisenhower Doctrine does not attempt to touch. The core of Jordan's instability is not poverty nor the acquisitive designs of Jordan's neighbors nor the threat of Communist infiltration. It is the great unsolved problem of the Palestinian refugees, and until that problem is settled there can be no peace in Iordan.

Dr. Christopher, associate professor of history at the University of Rochester, is coauthor of A History of Civilization and spent the academic year 1955-1956 traveling and doing research in the Middle East on a fellowship from the Fund for the Advancement of Education, visiting Israel, Egypt and the Arab countries.

Published twice a month by the foreign policy association, inc., 345 East 46th Street, New York 17, N.Y., U.S.A. EDITORIAL ADVISORY COMMITTEE: John S. Badeau • Benjamin J. Buttenwieser • Henry Steele commager • Brooks Emeny • August Heckscher • Mrs. W. Houston Kenyon, Jr. • Phillip E. Mosely • Margaret Parton • Stephen H. Stackpole • Anna Lord Strauss. John W. Nason, President; vera Micheles Dean, Editor; Neal Stanford, Washington Contributor; Felice Solomon, Assistant Editor. • The Foreign Policy Association contributes to the public understanding by presenting a cross-section of views on world affairs. The Association as an organization takes no position on international issues. Any opinions expressed in its publications are those of the authors. • Subscription Rates: \$4.00 a year; single copies 20 cents. Re-entered as second-class matter september 26, 1951 at the post office at New York, N.Y., Under the act of March 3, 1879. Please allow one month for change of address. Contents of this Bulletin may be reproduced with credit to the Foreign Policy Association.

Produced under union conditions and composed, printed and bound by union labor.



Flexibility of U.S. Foreign Policy

There are two phenomena in the conduct of American foreign policy which deserve more attention than they generally get. One is the actual flexibility of the apparently inflexible Mr. Dulles; the other, the Secretary of State's lightning-rod technique of drawing criticism away from President Eisenhower to himself.

Mr. Dulles is by no means the immovable object that his mien and manner often suggest. This does not mean he is putty in anyone's hands, or a man of wavering convictions. He can be as adamant as any man when he thinks events require it; but he can also "give" at the propitious moment and even make a virtue of it.

Arthur Krock, authoritative commentator of *The New York Times*, although attributing this ability of Mr. Dulles to the State Department rather than the Secretary personally, notes "the many times the State Department has found it necessary to retreat from a position that became untenable, and . . . also the dialectical skill with which it always pretends it has done nothing of the sort." What Mr. Dulles has done is to make an art of bending to the breezes and even bowing to the whirlwind. Here are some examples:

First, look at Suez and the six principles the United States and the United Nations proclaimed for the operation of the canal.* There was a time, not so far back, when Mr. Dulles insisted that the six principles would have to be accepted by Nasser—or there would be no settlement. Yet the United States has accepted Nasser's unilateral proposals that Egypt will

*See Vera Micheles Dean, "Suez Aftermath," Foreign Policy Bulletin, May 1, 1957.

operate the canal and collect the tolls—reluctantly, it is true, but it has accepted them nevertheless, saying this is a temporary measure, an experiment. The Canal Users' Association, which Mr. Dulles was instrumental in establishing, has no say in the matter and, in fact, has also bowed to Nasser's terms, as has Britain.

A second example is trade with Communist China. The United States forbids such trade by Americans and frowns on it by other nations, but is nonetheless ready now to let its allies do some trading with the enemy—and with its blessing. The economics of the situation forced Mr. Dulles' hand. He had the choice of either letting Britain and Japan trade with Peiping or agreeing to subsidize their wilting economies. With an economy-minded Congress intent on budget cuts, it was not difficult for Mr. Dulles to decide what to do.

The China News Case

A third instance is the case of American newsmen who want to cover Communist China. Mr. Dulles repeatedly asserted that the United States could never yield to blackmail by Peiping on this point. Yet he has now agreed to experiment with the idea—to let a few newsmen try out China coverage on a one-shot basis. Mr. Dulles maintains the Administration is right in wanting to bar newsmen from the China mainland, but he is yielding to the whirlwind raised by American publishers and editors.

A fourth example is Britain's new weapons policy announced in the White Paper on defense. Mr. Dulles does not like it. He thinks it is premature and premised on a condition that does not now exist. But he has not been able to reverse it and is now trying to adjust both United States and NATO policies to it.

A fifth example is Mr. Dulles' views on liberation of Russia's satellites. When he took office he was a staunch liberationist and had some scornful words to say about the static "containment" policy of his predecessor, Dean Acheson. But now, while Mr. Dulles is for liberation in theory, he is always careful to announce, when praising liberation, that the United States opposes accomplishing it by force.

On all these issues, as well as others, Mr. Dulles has modified his once seemingly adamant positions. And, as Mr. Krock says, he does it with such finesse, with such dialectic skill, that many are not aware he has adjusted his views on one position after another.

In all these matters, of course, Mr. Dulles is speaking for his chief, President Eisenhower. So that if the Secretary of State yields to allied pressures or world opinion or economic realities, this in fact means that the President has done so also. Yet, as suggested at the start of this article, it is always the Secretary who is referred to as having retreated from the position regarded as no longer tenable or as having given ground—never the President.

The President's ability to stay above the battle, while remaining in command, and the Secretary's gift for diverting the lightning shafts from the President combine to make United States foreign policy, outwardly inflexible, actually adjustable to rapidly changing events.

NEAL STANFORD



The Promise of the Atom

In the Foreign Policy Bulletin of May 15 some of the fears expressed in Europe about the menace of nuclear warfare, and even of continued nuclear tests, were discussed under the title of "The Power of Nuclear Thinking." But Europeans are also deeply aware of the other side of the coin-the promise of expanding economic productivity and increasing . human welfare held out by peacetime use of atomic energy. This was made dramatically evident by the report on the development of nuclear power submitted on May 7 to the newly formed European Atomic Energy Community (Euratom) by a committee composed of Louis Armand of France, Franz Etzel of West Germany and Professor Francesco Giordani of Italy.

This epoch-making report has three måin aspects. It is a blueprint for an atomic-energy economy, which is just as revolutionary for the second half of the 20th century as the use of coal and oil was for the 19th century. It is, at one and the same time, a declaration of Western Europe's independence from, and of its interdependence with, the rest of the world. And it may be expected to offer a challenge to the underdeveloped nations of the non-Western world, which are only now entering the era of the Industrial Revolution, let alone the Nuclear Revolution.

The Nuclear Revolution

The revolutionary character of this report is the admission that while 19th-century Europe, with an economy based on cheap and abundant supplies of coal, had been the "workshop of the world," this favorable situation has now entirely changed, and "a new fact conditions all its

prospects: the shortage of energy threatens to become a major brake on economic growth."

Faced by this new situation, says the report, Europe, which now depends on outside sources of fuel, mostly oil from the Middle East, for 25 percent of its energy requirements, will have to do one of two things: either accept an increase in imports of fuel which will reach 33 percent in 1967 and might reach 40 percent in 1977; or meet the challenge of the atomic era, and start immediately to develop its own sources of atomic energy through Euratom, which is to pool the nuclear resources of France, West Germany, Italy, the Netherlands, Belgium and Luxembourg.

Independence — and ... Interdependence

What Western Europe needs most of all if its industry is to continue expanding are adequate supplies of base-load electricity (power produced round the clock), as distinguished from peak-load (produced for only a few hours each day). To assure these supplies Europe must lose no time in building nuclear plants, which take up to four years to build. It is estimated that the nuclear-power capacity that can be accommodated in the electricity system of the six countries during the next decade will be about 15 million kilowatts. If this goal can be achieved, fuel imports will be stabilized at the level they would otherwise reach in 1963. To assure success, industry will have to adapt its staffs and its production facilities to the new technology on a big scale.

Leaders of the European Movement, notably Jean Monnet, have long advocated unification of Western Europe's production resources. A milestone in their efforts was reached on March 25, 1957, when the Six signed two treaties in Rome: the first establishing the European Economic Community, with a common market, accompanied by a special protocol providing for joint investments in Western Europe's overseas territories, chiefly Africa; and the second creating Euratom, pooling nuclear materials, techniques, productive facilities and investments in atomic energy.

The movement for a unified economy, however, was given fresh impetus by the Suez crisis, which revealed Western Europe's increasing dependence on the oil resources of the Middle East.

The nuclear power report states: "As the quantity of oil imported from the Middle East increases, there will be a corresponding increase in the political temptation to interfere with the flow of oil from that region. A future stoppage could be an economic calamity for Europe. Excessive dependence of our highly industrialized countries on an unstable region might even lead to serious political trouble throughout the world. It is essential that oil should be a commodity and not a political weapon."

Thus Western Europe wants to achieve at least relative independence from outside sources of fuel. At the same time, it contemplates increasing interdependence with the nations which can provide it with uranium, with aid in constructing reactors, and with the technological know-how of developing an atomic economy—Canada, Britain and the United States. This relationship, however, is to be not that of recipient of aid to giver of aid, as was the case under

. (Continued on page 144)



Suez and International Waterways

The dispute over the Suez Canal precipitated by Egypt's nationalization of the Universal Suez Canal Company on July 26, 1956 has reached at least a temporary settlement. It will be recalled that following two unsuccessful conferences in London in August and September 1956 among users of the canal, the Security Council of the United Nations recommended a settlement on the basis of six principles in a resolution of October 13, 1956.

These principles were accepted by Egypt, and negotiations appeared to be in progress when on October 29 Israel, followed by France and Britain two days later, intervened in Egypt with armed force. In response to the General Assembly's cease-fire recommendation of November 2, supported by 64 members of the UN, including the United States and the Soviet Union, and with only 5 dissents and 6 abstentions, Britain and France withdrew their forces from Egypt. After considerable pressure Israel did the same in March 1957. In the meantime a UN force was sent to the area to supervise the withdrawal of forces and the clearance of the canal from wreckage resulting from Egypt's retaliatory action against the intervention.

The clearance of the canal was completed in March 1957, and on the 18th of that month Egypt announced the principles by which the canal would be administered by the Suez Canal Authority, which it had established by the nationalization decree of July 26, 1956. This authority had successfully administered the canal without increase of dues and without

by Quincy Wright

Dr. Wright, professor emeritus of international law at the University of Chicago, is at present visiting research scholar at the Carnegie Endowment for International Peace. He is author of *The Study of International Relations* (New York, Appleton-Century-Crofts, 1956).

discrimination, except against Israel, from that date until the October interventions.

Western Nations Concerned

On April 24 Egypt submitted a declaration, elaborating that of March 18, for registration with the UN. The stated object was to assure fulfillment by Egypt of its obligations under the Constantinople Convention of 1888, in accordance with its understanding of the Security Council's resolution of October 13, 1956. In the Security Council debate on this declaration, the American delegate, Mr. Henry Cabot Lodge, said the declaration "does not fully meet the six requirements" because the "organized cooperation" between Egypt and the canal users, referred to in the correspondence between the secretary-general and Egypt on November 3, 1956, has not been provided for, hence there is "no assurance that the six requirements will in fact be implemented." Consequently, continued Mr. Lodge, "any de facto acquiescence by the United States must be provisional."..

The delegates of France and Australia were more skeptical because of the unilateral character of Egypt's declaration. "As the declaration is decreed unilaterally," said the French representative, "it can be modified or nullified in the same way. Where then are the guarantees or safeguards?" The delegates of Egypt and the Soviet Union were confident that Cairo's observance of its international obligations were assured. "The government of Egypt," said Mr. M. Omar Louth, "considers

that the declaration, with the obligations which it contains, constitutes an international instrument, and it is for this reason that the Egyptian government has requested the secretarygeneral to be good enough to register this document with the United Nations. This registration," he added, "has taken place.... The main points contained in this declaration which, in our opinion, according to the convention of 1888, conform to the principles contained in the resolution of the Security Council of 13 October 1956." The British delegate, Sir Pierson Dixon, while considering the procedures of the declaration as a "reasonable approach," deplored the "unilateral form" of the declaration, which meant it could be "unilaterally altered or withdrawn." It could not, said Sir Pierson, be regarded as a "final settlement in accordance with the six requirements."

The legal situation appears to be where it was before the interventions of October 1956, although the tensions arising from those events have increased the difficulties of final settlement: By the declaration, Egypt has affirmed its sovereignty of the area, its nationalization of the Universal Suez Canal Company, and its determination to administer the canal through its own agency. It has also reaffirmed its obligations to observe the treaty of 1888, to be guided by the six principles of October 1956, and to compensate the owners of the former company. Finally, it has provided procedures which it considers adequate for assuring fulfillment of these international obligations. The actual adequacy of this declaration

raises a number of questions of international law.

Egyptian Declaration

Is the declaration an instrument of international law establishing Egyptian obligations under that law? The importance of this question is indicated by the issue concerning the legality of Egypt's nationalization of the canal company in July 1956. Egypt claimed that the Concessions of 1856 and 1866, establishing the company and permitting it to operate the canal for 99 years after completion (1869), were instruments of Turkish-Egyptian national law, and therefore subject to the exercise of eminent domain, implying an obligation to compensate the owners.

The British admitted during the debate in the users' conference in August 1956 that this was normally true of property and concessions within a state's territory, but attempted to prove that these Concessions had been given an international status by their connection with the treaty of 1888. That treaty mentioned the Concessions incidentally in the preamble and declared in its text that the engagements of the treaty "shall not be limited by the duration of the Acts of Concession." The treaty was, in fact, made, as the preamble declared, "to establish, by a Conventional Act, a definitive system destined to guarantee, at all times and to all the powers, the free use of the Suez Maritime Canal," thus apparently recognizing that the Concessions were not in themselves adequate for this purpose.

While obligations of international law ordinarily flow from treaty or international custom, unilateral declarations may create international obligations of the declaring state. This is true of declarations of accession or adhesion to treaties, of declarations of renunciation or estoppel, and of declarations recognizing the status of

a state or government or of a situation such as belligerency, neutrality or peace. A declaration of policy creates international obligations if the declaring state clearly manifests its intention to accept legal obligations and makes it clear to whom the obligations are owed. Many unilateral declarations have been registered with the UN. These include especially adhesions to the UN and acceptances of the optional clause of the International Court Statute. The declaration of policy concerning atomic energy by President Truman and Prime Ministers Attlee of Britain and MacKenzie King of Canada, of November 15, 1945, was so registered, and Judge Hersh Lauterpacht, in editing Volume I of the eighth edition of Oppenheim's classic text, International Law: A Treatise, raised the question whether this made it an international obligation.

What Is an 'International Instrument'?

In the present declaration the Egyptian government expressly states that it "constitutes an international instrument" and has been registered with the Secretariat of the UN as an indication of that character. This clear expression of intention would seem to indicate that its terms constitute obligations of international law which cannot be modified or revoked by Egypt except under conditions which would justify the denunciation of a treaty. Moreover, the declaration should be interpreted and applied according to the standards of international law. Confirming this position, the declaration explicitly states that "disputes or disagreements" about it "shall be settled in accordance with the Charter of the United Nations." It is not entirely clear whether the obligations of the declaration are owed to the parties to the canal treaty, to the members of the UN, or to all states, whose vessels under the

terms of that treaty are entitled to the free use of the canal. It may be that there is a difference in this respect concerning different provisions of the declaration.

Equality of Navigation

Assuming that the declaration. establishes international obligations, does it assure equality of navigation through the canal to vessels of all countries, including those of Israel? The declaration does not mention Israel but affirms Egypt's obligations under the treaty of 1888 and the UN Charter; asserts that tolls will never be increased over 1 percent in any year and that 25 percent of gross receipts will be used for development and compensation; and provides that operation shall be by the Egyptian autonomous Suez Canal Authority under a code of regulations.

The discrimination against Israel in the use of the canal began in 1949, although until 1956 the canal was operated by the Universal Suez Canal-Company and Britain was in military control of the area. The Security Council in 1951 called upon Egypt to end the discrimination and would have reaffirmed this in 1954 but for a veto by the U.S.S.R. The declaration explicitly affirms Egypt's determination "to afford and maintain free and uninterrupted navigation for all nations within the limits of and in accordance with the provisions of the Constantinople Convention of 1888" and provides that "differences arising between the parties" to this convention "in respect of the interpretation or the applicability of its, provisions, if not otherwise resolved, will be referred to the International Court of Justice." Egypt declares that it will accept compulsory jurisdiction under Article 36 of the court statute.

This leaves open the interpretation that the obligations and the remedy apply only to parties to the Constantinople Convention of 1888. These parties include nine European countries—Britain, France, Italy, Germany, Russia, Austria, Spain, the Netherlands and Turkey—but not either Israel or the United States. The problem remains whether the convention, which states that the canal "shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag," was intended to establish an international obligation of Egypt not only to the parties to the convention but to all other states.

Strong argument can be made for the latter interpretation, particularly because the object of the treaty, according to the preamble, is to "guarantee" free use of the canal "at all times and to all the powers." The same argument has been made with respect to the Hay-Pauncefote Treaty of 1901 between the United States and Britain concerning the Panama Canal and other treaties about international waterways. It is to be noted that the principle of freedom of navigation for "waterways of international concern," whether straits, canals or rivers, was affirmed by the general Barcelona Convention of 1921.

Undoubtedly a better case can be made, as indicated by the World Court's opinion in the Corfu Channel case, for a rule of customary international law sustaining this principle in the case of straits connecting international seas (such as the Strait of Tiran) than in the case of canals and rivers. The latter have in general been regulated by special treaties, but a practice in favor of general freedom of navigation has been developing. The position which the International Court of Justice would take toward a claim by Israel of a right of passage through the canal is, therefore, uncertain, although it would seem that a party to the canal treaty could, in any case, demand that Egypt observe. the treaty for the benefit of Israel as well as other states. The Egyptian claim that it is proper to discriminate against Israel because a state of war exists between the two countries is without merit because the canal treaty explicitly provides that the action which Egypt may take for the defense of the canal shall not inter-

New Members of Editorial Advisory Committee

(Complete list in masthead)

John S. Badeau, president of the Near East Foundation, formerly president of The American University in Cairo.

Benjamin J. Buttenwieser, limited partner, Kuhn, Loeb & Co., former Assistant High Commissioner for Germany.

August Heckscher, director of The Twentieth Century Fund, formerly chief editorial writer of the New York Herald Tribune.

The following are outgoing members:

John Marshall, associate director of Humanities, Rockefeller Foundation.

Paul H. Nitze, president, Foreign Service Educational Foundation.

fere with freedom of navigation. Moreover, under the UN Charter a "state of war" cannot exist between members, and the armistice which ended hostilities in 1949 has been held by the UN Security Council to exclude all hostile acts, including restrictions in use of the canal.

Problem of Guarantees

Does the declaration provide adequate guarantee of observance of Egypt's international obligations and insulation of the canal administration

from Egyptian politics? The canal users' proposals resulting from the London conference in August 1956 called for administration of the canal by an international commission, but Egypt rejected this proposal as an encroachment on its sovereignty expressly recognized by the treaty of 1888. Egypt has insisted that guarantees must respect its sovereignty of the area but is willing to accept international supervision, as is indeed provided in Article 8 of the Constantinople Convention.

The declaration recognizes such supervision by providing *first* for submission of disputes concerning alleged discrimination in the application of the canal code to a special form of arbitration.

Secondly, it provides for submission of claims respecting compensation for nationalization of the canal company to arbitration "in accordance with the established international practice."

Thirdly, it provides that "disputes or disagreements arising in respect of the Constantinople Convention of 1888 or this declaration shall be settled in accordance with the Charter of the United Nations."

Fourthly, it provides for submission of disputes "between the parties" to the 1888 convention to the International Court of Justice on unilateral application by claimants, presumably in case they have themselves accepted the optional clause.

Whether these provisions will assure observance of Egypt's obligations and insulation of the canal administration from Egyptian politics is not certain. The provisions concerning arbitration of claims arising from the nationalization of the company are vague, and the procedures of the UN Charter for settlement of disputes about the declaration itself do not necessarily assure definitive conclusions.

Egypt, however, has agreed to ac-

cept the optional clause of the court statute, which would seem to give any state which has also accepted that clause the right to present any legal claim against Egypt, not only under the treaty of 1888 but also under international law, for the court's interpretation and application. This would seem to go a long way toward assuring Egypt's observance of its obligations.

Assuming that Egypt's declaration is an instrument of international law; it marks an important advance in recognizing that law is a proper guide for regulating such an important matter as the Suez Canal. Vituperation, political pressure and military intervention failed to achieve solution of the problem during the summer and autumn. The principles stated by the Security Council in October and the recent Egyptian declaration may provide a basis of action which will gradually restore confidence that the canal will be administered in the interests of the international community.

READING SUGGESTIONS: Simcha Dinitz, "The Legal Aspects of the Egyptian Blockade of the Suez Canal," The Georgetown Law Journal, Winter, 1956-57, Vol. 45, No. 2; Thomas T. F. Huang, "Some International Legal Aspects of the Suez Canal Question," American Journal of International Law, April 1957, Vol. 51; J. C. Hurewitz, Diplomacy in the Near and Middle East, Vols. I & II, (New York, Van Nostrand, 1956); Quincy Wright, "Intervention, 1956," American Journal of International Law, April 1957, Vol. 51; The

Suez Cana! Problem, July 26-September 22, 1956, United States Department of State Publication 6392 (Washington, D.C., United States Government Printing Office, 1956).

Spotlight

(Continued from page 140)

the Marshall Plan, but of equals in a 20th-century partnership.

The United States will provide training facilities for Europe's scientists and technicians and join in projects to improve and adapt reactors. Canada will supply natural uranium "exclusively for peaceful purposes," and will help Europe to build prototypes of a reactor it has produced which promises to be particularly adapted to European requirements. And Britain, which has led the way in the West toward commercial use of atomic energy, will facilitate the building of reactors in Western Europe and assist in technical training. Europe, for its part, hopes that its experience—which in peacetime uses will outpace that of the United States, less dependent on atomic energywill be of service to Americans as well as to Canadians and Britishers. And the report states, not without pride, that before World War II the scientists of Western Europe "made fundamental contributions to the discoveries on which nuclear power prospects are based."

The report, which exudes optimism and energy—qualities Western

Europe, drained by two world wars, had sorely lacked for some years—is like a clarion call to governments and industrialists to start the transformation of the Continent's economy.

Challenge to Underdeveloped

But it may sound as a danger signal to underdeveloped nations which either rely on oil exports as their sole source of revenue, notably in the Middle East, or are themselves striving to jump over the coal age straight into the atomic age. These nations fear, on the one hand, that the establishment of the common market may bring about the adoption of a Western European common tariff which would bar their products; and, on the other, that investments in Europe's nuclear enterprises will curtail financial resources which might have gone to develop their economies. This may seem unrealistic or even captious to Westerners, but non-Westerners who know all too well their dependence on the financial and technological resources of the West fear that, once again, as at the time of the Industrial Revolution, they will fall behind in the world's march toward higher living standards and improved human welfare. The conflict between "haves" and "have nots" might thus assume a new, this time nuclear, form.

VERA MICHELES DEAN

FOREIGN POLICY BULLETIN

345 East 46th Street, New York 17, N.Y.

In this issue:

Jordan and the Eisenhower Doctrine—
J. B. Christopher 137

Flexibility of U.S. Foreign Policy—
N. Stanford 139

The Promise of the Atom—
V. M. Dean 140

Suez and International Waterways—
Q. Wright 141

In the next issue:

A Foreign Policy Forum—

How Dangerous Is Radioactive Fallout?

Dr. Linus Pauling

Dr. Willard F. Libby

BETHANY COLLEGE LIBR.
BETHANY
W. VA.

riting on the contract of the contraction of the co

LS-11